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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHRISTOPHER W. BLACKBURN,
RORY L. BLOCK, THOMAS A. GENTLES,
VIKRAM SWAMY, and TERRY D. WARKENTIN

Appeal 2011-010059
Application 10/788,661
Technology Center 3700

Before JOSEPH L. DIXON, HOWARD B. BLANKENSHIP, and
ST. JOHN COURTENAY III, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134 from a rejection of claims 1-36. We have jurisdiction under 35 U.S.C. § 6(b). This appeal is related to appeals 2011-006573, 2011-005911, 2010-009002, 2010-005896, 2010-002773, 2010-002775, and 2010-003577.

We affirm.

The claims are directed to gaming management service in a service-oriented gaming network environment. Claim 1, reproduced below, is illustrative of the claimed subject matter:

> 1. A method for providing a gaming management service in a gaming network, the method comprising:
>
> sending service information for the gaming management service from the gaming management service to a discovery agent on the gaming network, wherein the gaming management service provides configuration updates for a plurality of gaming machines communicably coupled to the gaming network, wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game;
>
> determining by the discovery agent if the gaming management service is authentic and authorized;
>
> in response to determining that the gaming management service is authentic and authorized, publishing service information to a service repository to make the gaming management service available on the gaming network;
>
> receiving by the discovery agent a request for the location of the gaming management service from the gaming machine communicably coupled to the gaming network;
>
> returning the service information for the gaming management service to the gaming machine;

sending a request using the service information to the gaming management service to register the gaming machine with the gaming management service;

determining if the gaming machine is authorized to utilize the gaming management service; and

in response to determining that the gaming machine is authorized to utilize the gaming management service, processing one or more service requests between the gaming machine and the gaming management service so as to provide the configuration updates to the gaming machine.

REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Gatto	US 6,916,247 B2	July 12, 2005
Lagosanto	US 7,003,663 B2	Feb. 21, 2006

REJECTIONS

Claim 1-36 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Gatto and Lagosanto.

Claims 1, 13, and 25 are provisionally rejected on the ground of nonstatutory obviousness type double patenting as being unpatentable over claims 1, 8, 13, 20, and 27 of copending Application No. 10/788,902.

ANALYSIS

PROVISIONAL NON-STATUTORY OBVIOUSNESS- TYPE DOUBLE PATENTING

Appellants have not provided any arguments with respect to the provisional non-statutory obviousness-type double patenting rejection. (App. Br. 12). Rather than pro forma affirm the rejection, we note that copending Application No. 10/788,902 was abandoned on September 1,

2011. Therefore, the rejection is moot, and we do not reach the merits thereof.

35 U.S.C. § 103

With respect to claims 1-36, Appellants argue all the claims as a single group. Therefore, we treat independent claims 13 and 25 as standing or falling with representative independent claim 1.

Appellants contend that the cited references do not disclose the limitation of "sending service information for the gaming management service from the gaming management service to a discovery agent on the gaming network" as recited in claim 1. (App. Br. 14). We note that the Gatto reference teaches similar protocols both "SOAP" and "UDDI" as disclosed by Appellants in the Specification at pages 20-21. Appellants provide examples of alternatives to how information may be provided to a UDDI node in order to be published in the Gatto reference and contend that "[i]t is neither inherent nor necessary that a service provide service information to a discovery agent." (App. Br. 15). While we agree with Appellants that it is not "necessary," we conclude that it would have been obvious to one of ordinary skill in the art at the time of the invention that the information is sent for the gaming management service. Therefore, we find Appellants' argument unpersuasive of error in the Examiner's showing of obviousness.

Appellants further argue that claim 1 recites "determining by the discovery agent if the gaming management service is authentic and authorized." (App. Br. 15). Appellants contend that the Gatto reference does not teach this claimed limitation and that the Examiner's reliance upon the Lagosanto reference at column 6 does not disclose this limitation. (*Id.*)

In particular, Appellants contend that the teachings of Lagosanto with respect to "[d]etermining that a certain portion of service information is valid is an entirely different matter from determining that the service itself is authorized for a gaming network". (*Id.* at 16.) Appellants further contend that the "validation" in Lagosanto is different from the authorization recited in claims 1, 13, and 25. (*Id.*) We find Appellants' contention unavailing since Appellants' contention concerning the difference is directed to unclaimed subject matter. Appellants have not identified any specific definition from the Specification to differentiate the "authentic and authorized" limitation from the teachings and suggestions of both the Gatto and Lagosanto references. Therefore, Appellants' argument does not show error in the Examiner's showing of obviousness of independent claim 1.

We note that Appellants have not filed a Reply Brief to address the Examiner's responsive arguments which were not set forth in the Rejection mailed February 26, 2010. We find the Examiner's responsive arguments (Ans. 8-11) fully respond to the Appellants' contentions, and we adopt the Examiner's underlying factual findings and ultimate legal conclusion of obviousness as our own.

CONCLUSIONS OF LAW

Appellants have not shown error in the Examiner showing of obviousness of independent claim 1.

DECISION

For the above reasons, the Examiner's rejection of claims 1-36 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv) (2010). *See* 37 C.F.R. § 41.50(f).

AFFIRMED

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